IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR.

O R D E R

Khushiram and ors.
Versus
State and ors.

S.B. CIVIL WRIT PETITION NO.3510/1999

Date of Order : 5/4/2007.

PRESENT

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr. R.K. Mathur for the petitioners.
Mr. B.L. Awasthi, Addl.GA for the State.
Mr. Ajeet Bhandari for the respondents.

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Heard learned counsel for the parties.

Although, challenge in this petition have been made to the acquisition proceedings of the land of the petitioners initiated by the respondents but, the learned counsel for RIICO for whose benefit the lands were de-acquired, on instructions from his client has stated that the RIICO has already recommended for withdrawing the acquisition proceedings in this writ petition. In this connection, recommendation was made by

the RIICO to the Government vide letter dated 15/5/2001 which however has not yet taken final view in the matter. Learned counsel for the petitioners also does not deny that the lands which are sought to be de-acquired are in possession of the petitioners. In the circumstances, when the respondents themselves are not proceeding to acquire the land, I do not see any justification to keep this writ petition pending which was filed wayback in the year 1999. In the light of the statement of the learned counsel for respondent-RIICO, the writ petition is disposed of as having become infructous however with the liberty to the petitioners to file a fresh one, if necessity arises at any point of time in future.

The writ petition is accordingly disposed of with no order as to costs.

(MOHAMMAD RAFIQ), J.

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